

# Exhibit 5

## Emails

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**Subject:** RE: Discovery Letter 4.29.21  
**Date:** Tuesday, May 4, 2021 at 5:06:42 PM Eastern Daylight Time  
**From:** Clayman, William G (USAVAE)  
**To:** Nina Ginsberg, Prabhu, Jay (USAVAE), Schlessinger, Seth (USAVAE)  
**CC:** Jon Jeffress, Jade Chong-Smith, Zachary Deubler  
**Attachments:** image001.jpg, image002.jpg

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know that the content is safe.

Hi Nina,

The government does not have any material to produce in response to your request for Title III and/or pen register/trap and trace material pertinent to the investigation of your client because the government did not obtain a Title III warrant or a pen register/trap and trace order that is pertinent to this case.

I will let my supervisors know you wish to speak to Keith Becker and will be in touch.

Thank you,  
Bill

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William G. Clayman  
Special Assistant United States Attorney (LT)  
Eastern District of Virginia  
2100 Jamieson Avenue  
Alexandria, VA 22314  
Desk: (703) 299-3744  
Cell: (703) 380-9684

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**From:** Nina Ginsberg <nginsberg@dimuro.com>  
**Sent:** Tuesday, May 4, 2021 2:44 PM  
**To:** Clayman, William G (USAVAE) <WClayman@usa.doj.gov>; Prabhu, Jay (USAVAE) <JPrabhu@usa.doj.gov>; Schlessinger, Seth (USAVAE) <sschlessinger1@usa.doj.gov>  
**Cc:** Jon Jeffress <jjeffress@kaiserdillon.com>; Jade Chong-Smith <jchong-smith@kaiserdillon.com>; Zachary Deubler <zdeubler@dimuro.com>; Nina Ginsberg <nginsberg@dimuro.com>  
**Subject:** RE: Discovery Letter 4.29.21

Bill,

Thank you for resending a copy of the plea offer. However, I do not understand the first sentence of your email which states: "The government does not have any material to produce in response to your request for Title III and/or pen-trap and trace material pertinent to the investigation of your client." Our discovery letter also asked the government to confirm whether the FBI obtained a Title III warrant and/or pen register/trap and trace order in connection with this investigation. Unless you respond otherwise, I interpret your response to mean that the government knows, as it must, whether or not the FBI or some other U.S. law enforcement agency sought or obtained a Title III warrant and/or a pen register/trap and trace order in this case, but is refusing to provide that information. Please clarify your response so that it can accurately be reflected in the court record. It is reasonable to infer from your response that the government did, in fact, seek and/or obtain Title III and/or pen-trap and trace material pertinent to the investigation of the Sanders family's IP address and/or the investigation of IP addresses that were alleged to have accessed the [REDACTED] website, but is refusing to disclose that information. If neither was sought or obtained, the expected

response would be "none was sought or obtained."

In light of your response, I suggest that we involve Keith Becker in these discussions as he is undoubtedly the individual making these decisions.

Nina



**Nina J. Ginsberg**  
DiMuroGinsberg, PC  
1101 King Street, Suite 610  
Alexandria, VA 22314-2956  
703-684-4333 (telephone)  
703-548-3181 (facsimile)  
703-623-6975 (cellular)  
[nginsberg@dimuro.com](mailto:nginsberg@dimuro.com)



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**From:** Clayman, William G (USAFAE) <[William.G.Clayman@usdoj.gov](mailto:William.G.Clayman@usdoj.gov)>  
**Sent:** Tuesday, May 4, 2021 1:59 PM  
**To:** Nina Ginsberg <[nginsberg@dimuro.com](mailto:nginsberg@dimuro.com)>; Prabhu, Jay (USAFAE) <[Jay.Prabhu@usdoj.gov](mailto:Jay.Prabhu@usdoj.gov)>; Schlessinger, Seth (USAFAE) <[Seth.Schlessinger@usdoj.gov](mailto:Seth.Schlessinger@usdoj.gov)>  
**Cc:** Jon Jeffress <[jjeffress@kaiserdillon.com](mailto:jjeffress@kaiserdillon.com)>; Jade Chong-Smith <[jchong-smith@kaiserdillon.com](mailto:jchong-smith@kaiserdillon.com)>; Zachary Deubler <[zdeubler@dimuro.com](mailto:zdeubler@dimuro.com)>  
**Subject:** RE: Discovery Letter 4.29.21

Hi Nina,

The government does not have any material to produce in response to your request for Title III and/or pen-trap and trace material pertinent to the investigation of your client.

I'm also attaching here a copy of the plea offer that the government extended to your client on October 22, 2020, which I understand you discussed with Jay. Please let us know if you would like to discuss the plea any further.

Thank you,  
Bill

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William G. Clayman  
Special Assistant United States Attorney (LT)

Eastern District of Virginia  
2100 Jamieson Avenue  
Alexandria, VA 22314  
Desk: (703) 299-3744  
Cell: (703) 380-9684

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**From:** Nina Ginsberg <[nginsberg@dimuro.com](mailto:nginsberg@dimuro.com)>  
**Sent:** Thursday, April 29, 2021 3:15 PM  
**To:** Prabhu, Jay (USAFAE) <[JPrabhu@usa.doj.gov](mailto:JPrabhu@usa.doj.gov)>; Clayman, William G (USAFAE) <[WClayman@usa.doj.gov](mailto:WClayman@usa.doj.gov)>; Schlessinger, Seth (USAFAE) <[sschlessinger1@usa.doj.gov](mailto:sschlessinger1@usa.doj.gov)>  
**Cc:** Jon Jeffress <[jjeffress@kaiserdillon.com](mailto:jjeffress@kaiserdillon.com)>; Jade Chong-Smith <[jchong-smith@kaiserdillon.com](mailto:jchong-smith@kaiserdillon.com)>; Zachary Deubler <[zdeubler@dimuro.com](mailto:zdeubler@dimuro.com)>; Nina Ginsberg <[nginsberg@dimuro.com](mailto:nginsberg@dimuro.com)>  
**Subject:** Discovery Letter 4.29.21

Jay, Seth, and Bill,  
Please see attached discovery letter.  
Best,  
Nina



**Nina J. Ginsberg**  
**DiMuroGinsberg, PC**  
**1101 King Street, Suite 610**  
**Alexandria, VA 22314-2956**  
**703-684-4333 (telephone)**  
**703-548-3181 (facsimile)**  
**703-623-6975 (cellular)**  
**[nginsberg@dimuro.com](mailto:nginsberg@dimuro.com)**



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